

RECEIVED
CENTRAL FAX CENTER

JUN 01 2004

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632Telephone
(330) 877-0700OFFICIAL
Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Examiner U. Ho

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 09/626,636
Gary Karlin Michelson, M.D.

Filed: July 27, 2000

A GUARD FOR USE IN PERFORMING
HUMAN INTERBODY SPINAL SURGERY
(as amended)

Attorney Docket No. 102.0003-04000

Customer No. 22882

Confirmation No. 6124

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 2

Date: June 1, 2004

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Statement of Substance of Interview is being facsimile transmitted to the U.S. Patent and Trademark Office on June 1, 2004.


Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

PATENT
Attorney Docket No. 102.0003-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 6124
Gary Karlin Michelson, M.D.)
Serial No.: 09/626,636) Group Art Unit:: 3731
Filed: July 27, 2000) Examiner: U. Ho
For: A GUARD FOR USE IN)
PERFORMING HUMAN INTERBODY)
SPINAL SURGERY (as amended))

RECEIVED
CENTRAL FAX CENTER
JUN 01 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICIAL

Sir:

STATEMENT OF SUBSTANCE OF INTERVIEW

A personal interview between the undersigned and Examiner (Jackie) Tan-Uyen T. Ho was conducted on April 29, 2004. Independent claims 172, 207, 248 and 289 were discussed. U.S. Patent No. 5,049,150 to Cozad and U.S. Patent No. 5,055,104 to Ray were generally discussed with more attention given to Cozad '150 as presented in the Office Action dated December 17, 2003 and arguments presented in the Amendment dated March 26, 2004. Agreement was reached that the newly presented limitation and claims as amended in the March 26th Amendment overcome the cited art; Examiner Ho will proceed with a further restriction and consideration/search with respect the above-identified application.

It is requested that this document be made of record in the above-identified application.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 1, 2004

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030